properly. This Defendant admits that he requested and entitled
Clark and Letters of administration on the estate of said deceased
at some time during last January when he was urged by
the Creditors of said Sarah or permit them or one of them to administer
on the Estate. And he maintains that in his character as adminis-
trator hehas the right and indeed was compelled to seek the repos-
session of said premises by legal means said Complainant having refused
to deliver possession to this Defendant when amicably requested to do
so) and in pursuance of the obligation which his office imposes to
obey such like proceedings as alleged in said Bill before the said
Justices against the said Complainant as bail of said
Sarah who that the said Justices did refer at the instance of this
defendant Counsel or law irrelevant and improper Evidence sought
to be introduced in said cause as it was their right and privilege to do
if they thought proper and that the Jury empannelled in said cause
did find the inquisition against the said Complainant and upon
which the said Justices issued their Warrant of restitution as required
by said defendant (and as alleged and charged in said Bill). And
this defendant is advised and therefore avers and pleads that if the
said Complainant really believed himself aggrieved by the trial of said
cause and by the decision of the said Justices therein made, his redress
was by Writ of Certiorari in the nature of an Appeal removing the
proceedings to the Circuit Court for Baltimore County there to be investi-
gated at the ensuing Term thereof, and that there is a complete and
adequate legal remedy in the premises in view of which he is advised
this Honorable Court will not assume jurisdiction of said cause;
as to the possession of said by said Complainant or how, or in what
manner or means he became possessed thereof this defendant is
not able to deny except that said Complainant was at the resi-
dence of said Sarah Wright at the time of her decease, and has so
continued from that time forth to reside there now as the mere occupier
thereof. There being no one in law legally authorized to assume
control of the premises till the death of the letters of administration
granted to this defendant. And this defendant insisting on his
aforesaid defences and praying to have the same benefit thereof as
if they were herein again specially averred and pleaded for further
answer to said Bill denies that the said Complainant ever has
or now has any title to said property in Law or Equity, or that there
ever was any such agreement as he hath alleged, by virtue of which
he is entitled to have a specific performance thereof, and this
defendant denies all and all manner of unfair dealing with which he is
charged by said Bill and prays that the Injunction heretofore granted
in this cause may be dissolved and that he may be hence dismissed
with his reasonable costs in this cause sustained.

And as in duty bound he will ever pray &c

A. H. Hobbs Sol for Defendant.

On this 5th day of December 1855 before the Subscriber a Justice of the Peace of the State of Maryland in and for Baltimore County personally appeared Benjamin Mellor administrator as aforesaid and defendant in the above answer and made Oath in due form of Law that the matters and things stated in said answer are true to the best of his knowledge and belief.

Sworn before, Sam'l L Saunder.

Whereupon the Court passed the following order to Wit.

George M Thelwell vs Benj. Mellor admr &c | Injunction in the Circuit Court for Baltimore County. Sitting in Equity.

Ordered this 6th day of December 1855 that the above cause stand for hearing on the 15th day of December Inst. Provided a Copy of this Order be served on the Complainant or his Solicitor on or before the Seventh day of December 1855.

John H Price

And afterwards to Wit on the 14th day of December in the year last aforesaid the following Petition was filed in Court here to Wit

Thelwell vs Mellor } The Defendant having filed his answer and moved to dissolve the injunction granted in this cause and set down for hearing the Motion & dissolve the Complainants prays the Courts order for allowing the taking of testimony on part of the parties in this cause to be read at the hearing of said Motion.

Wm. H Freeman
Charles F. Mayer
Sol's of Complainant.

Which being read and heard the Court passed the following order to Wit.

Ordered by the Court this 14 December 1855 that the parties may take testimony as prayed before any Justice of the Peace on the days Noted to the opposite party or his Solicitor, to be read in Evidence at the hearing of the Motion to dissolve the Injunction and Testimony to be returned to the Court on or before the 29 instant.

John H Price

And afterwards to Wit on the 29th day of December in the year last aforesaid the following agreement was filed to Wit.

George M Thelwell vs Benjamin Mellor admr of Sarah Wright | In Circuit Court for Balto Coty.

It is agreed that a Commission to take testimony be